

Remarks

By the foregoing Amendment, claims 1, 3, 5, 7, 11 and 14-16 are amended. No new matter is added by this Amendment. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

Additionally, the abstract and paragraph 0004 of the specification have been amended to clarify the meaning of the term “button” used therein, as further described below.

The Examiner has rejected independent claim 1 (and dependent claims 2-5 and 8-10) under 35 U.S.C. §102(b) as anticipated by Burkart-Wolf, European Application No. EP 0 517 151. This rejection is respectfully traversed.

Burkart-Wolf does not anticipate independent claim 1 because all of the elements in claim 1, as amended, are not shown in this reference. Prior to the amendment made herein, claim 1 recited “a button.” This term is one used in Germany—the country where this application originated—to refer to a suture retention device. Its use reflects a common European practice of employing an English term to refer to an object that does not represent a literal translation of the English word. In the medical field in Europe, the English term “button” has developed the meaning of a device for anchoring sutures. Paragraph 0004 of the specification describes a typical suture retention device used in tibias, and notes that this is known as a “tibial button.” A sentence has been added to this paragraph of the specification to clarify that this is what is meant when the word “button” is used by itself throughout the text of the application.

Accordingly, independent claim 1 has been amended to substitute the term “suture retention device” for “button” to further clarify the meaning of this term. Dependent claims 3, 5, 7, 11 and 14-16 have been similarly amended. Support for this amendment is found throughout the specification (see, e.g., paragraphs 0002-0008;

paragraphs 0083-0086; Figures 13-14), which describes a suture retention device. This amendment is further supported by the remainder of claim 1 itself, which, for instance, recites openings in the pin of the device "for threading fixation threads of a tendon replacement therethrough."

Burkart-Wolf does not anticipate independent claim 1, as amended, because it does not disclose such a device. Burkart-Wolf is directed to a fastener, such as that typically used to connect two pieces of clothing or for sealing a bottle. Burkart-Wolf does not disclose a suture retention device, and more specifically, does not disclose a suture retention device having openings *for threading fixation threads of a tendon replacement therethrough*. Moreover, there is no suggestion or motivation in this reference for one skilled in the art to make the significant modifications necessary to arrive at the invention of claim 1, as Burkart-Wolf does not in even relate to medical devices generally.

It is respectfully submitted that claims 1-16, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,



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